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OCT 28 2005

FOX

INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	James A. Menefee - Art Unit 2828	Client:	1372.09.PRWOUS
Fax:	(571) 273-8300	Pages:	4 including coversheet
Phone:	(571) 272-1944	Date:	October 28, 2005
Re:	USPN 10/604,193	CC:	University of South Florida (Assignee)

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Menefee:

In response to the non-final office action mailed September 29, 2005, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated October 28, 2005 (1 page); and
- 2) Response to Election/Restriction Requirement with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated October 28, 2005 (2 pages).

Very respectfully,

Ronald E. Smith
Reg. No. 28,761

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/604,193
Applicant: : Dennis K. Killinger
Filed: : 06/30/2003
Art Unit : 2828
Examiner : James A. Menefee

Docket No. : 1372.09.PRWOUS
Customer No. : 21,901
For : Open-Path Laser/Optical Communication Systems
and Methods Utilizing Wavelengths Between
Atmospheric and Gaseous Absorption Lines

Confirmation No.: 1192

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Transmitted to Central Fax at (571) 273-8300
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

STATUS

2. Applicant is an independent inventor.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.


SIGNATURE OF PRACTITIONER

Ronald E. Smith
Smith & Hopen, P.A.
15950 Bay Vista Drive, Ste. 220
Clearwater, FL 33760
(727) 507-8558

Reg. No.: 28,761
Customer No.: 21,901

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(b))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Attn: James A. Menefee, (571) 273-8300 on October 28, 2005.

Dated: October 28, 2005


Deborah Preza

(Amendment Transmittal—page 1)

OCT 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/604,193 Confirmation No.: 1192
Applicant: : Dennis K. Killinger
Filed: : 06/30/2003
Art Unit : 2828
Examiner : James A. Menefee

Docket No. : 1372.09.PRWOUS
Customer No. : 21,901
For : Open-Path Laser/Optical Communication Systems
and Methods Utilizing Wavelengths Between
Atmospheric and Gaseous Absorption Lines

Transmitted to Central Fax at (571) 273-8300
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the nonfinal Examiner's Action mailed September 29, 2005, having a shortened statutory period for response set to expire October 29, 2005, the above-identified patent application is amended a first time as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute the claims drawn to a method of tuning a laser, classified in class 372, subclass 20. The claims readable thereon are claims 1-5.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By: 

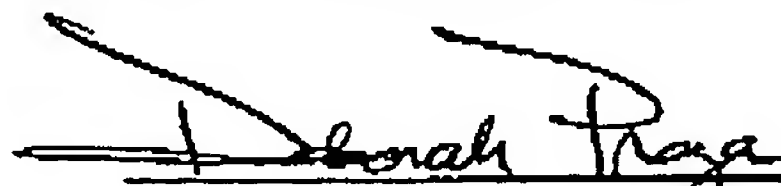
Dated: October 27, 2005.

Ronald E. Smith
Suite 220
15950 Bay Vista Drive
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this response is being transmitted by facsimile to the U.S. Patent and Trademark Office, Attn: James A. Menefee, (571) 273-8300 on October 28, 2005.

Dated: October 28, 2005


Deborah Preza